



KENTUCKY JUSTICE & PUBLIC SAFETY CABINET

DEPARTMENT OF CRIMINAL JUSTICE TRAINING

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2006 Kentucky Statutory Updates

**EFFECTIVE DATE OF NEW STATUTES IS
JULY 12, 2006**

NOTE: Title headings on new statutes are presumed by the compiler, and are not officially part of said statutes. They are included simply to allow readers to readily identify the subject matter of the statute.

In addition, Officers are strongly advised to discuss new statutes with local prosecutors before placing charges.

A NEW SECTION OF KRS 17.500 TO 17.580 IS CREATED TO READ AS FOLLOWS:

KRS 17.549 Making a false statement to a law enforcement official

- (1) A person shall be guilty of making a false statement to a law enforcement official when he or she intentionally misleads any law enforcement official regarding a noncompliant registrant.*
- (2) A person shall be guilty of harboring when he or she intentionally allows a registrant to reside at his or her residence to avoid registration if the address is not the address the registrant listed as his or her residence address.*
- (3) For the purposes of this section, law enforcement officials include the Attorney General, elected sheriffs, deputy sheriffs, city police officers, county police officers, state police officers, probation and parole officers, state and federal prosecutors, and investigators employed by any of these officers.*
- (4) A person who violates this section shall be guilty of a Class A misdemeanor for a first offense and a Class D felony for each subsequent offense.*

A NEW SECTION OF KRS CHAPTER 39A IS CREATED TO READ AS FOLLOWS:

KRS 39A.295 Prohibition on taking of property during sheltering

- (1) Nothing in KRS 39A.100, 39A.110, 39A.120, 39A.130, or 39A.140, or any other provision of this chapter, shall authorize a taking of property or the taking of any action which is in violation of Section 6 or 7 of this Act.
- (2) If a person is relocated to temporary housing before, during, or after a disaster or emergency, he or she shall still possess the rights guaranteed by Sections 6 and 7 of this Act.

KRS 39A.100 - Emergency Powers of Governor and Local Chief Executive Officers - IS AMENDED TO READ AS FOLLOWS:

- (3) Nothing in this section shall be construed to allow any governmental entity to impose additional restrictions on the lawful possession, transfer, sale, transport, carrying, storage, display, or use of firearms and ammunition or components of firearms and ammunition.

A NEW SECTION OF KRS CHAPTER 39B IS CREATED TO READ AS FOLLOWS:

KRS 39B.110 Prohibition of taking of property, including weapons.

- (1) Nothing in KRS 39B.070 or any other provision of this chapter shall authorize a taking of property or the taking of any action which is in violation of KRS 237.
- (2) If a person is relocated to temporary housing before, during, or after a disaster or emergency, he or she shall still possess the rights guaranteed by KRS 237..

A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

KRS 65.133 Responsibility for enforcement of sex offender registration laws

- (1) Each local law enforcement agency and the Department of State Police shall each have the responsibility for enforcing the provisions of sex offender registration laws.
- (2) Law enforcement agencies may enter into written agreements for joint investigation and enforcement of violations of sex offender registration laws. These agreements may include other local law enforcement agencies and may include the Department of State Police.

A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

KRS 186.452 Intermediate Operator's Licenses

- (1) Beginning April 1, 2007, a person who is at least sixteen and a half (16 1/2) years of age may apply for an intermediate license to operate a motor vehicle if the person has:
 - (a) Held an instruction permit a minimum of one hundred eighty (180) days without a violation under subsection (4), (5), or (6) of Section 1 of this Act, a conviction for a moving violation under KRS Chapter 189 for which points are assessed by the cabinet, or a conviction for a violation of KRS 189A.010(1); and
 - (b) Presented a statement to the state police signed by a parent or guardian of the applicant attesting that the applicant has completed at least sixty (60) hours of supervised driving experience, including at least ten (10) hours at night, while accompanied by a person who has attained the age of twenty-one (21) years and holds a valid operator's license occupying the seat beside the applicant.
- (2) If an applicant for an intermediate license successfully completes the examinations required under KRS 186.480, the state police shall affix an intermediate license sticker to the instruction permit and report the applicant's new status to the Transportation Cabinet. The Transportation Cabinet shall update the information in its computer system to reflect that the applicant has been granted an intermediate license. An intermediate license shall be valid for two (2) years and may be renewed.

- (3) A person shall have the intermediate license in his or her possession at all times when operating a motor vehicle.
- (4) A person with an intermediate license who is under the age of eighteen (18) years shall not operate a motor vehicle, motorcycle, or moped between the hours of 12 midnight and 6 a.m. unless the person can demonstrate good cause for driving, including emergencies, involvement in school-related activities, or involvement in work-related activities.
- (5) Except when accompanied by a driver training instructor affiliated with a driver training school licensed under KRS Chapter 332 or a public or non-public secondary school, a person with an intermediate license who is under the age of eighteen (18) years shall not operate motor vehicle at any time when accompanied by more than one (1) unrelated person who is under the age of twenty (20) years. A peace officer shall not stop or seize a person nor issue a uniform citation for a violation of this subsection if the officer has no other cause to stop or seize the person other than a violation of this subsection. This subsection shall not apply to any operator of a vehicle registered under the provisions of KRS 186.050(4) who is engaged in agricultural activities.
- (6) A violation under subsection (3), (4), or (5) of this section, a conviction for a moving violation under KRS Chapter 189 for which points are assessed by the cabinet, or a conviction for a violation of KRS 189A.010(1) shall add an additional minimum of one hundred eighty (180) days from the date of the violation before a person who is under the age of eighteen (18) years may apply for an operator's license.

KRS 186.450 – Instruction Permit - IS AMENDED TO READ AS FOLLOWS:

- (1) A person who is at least sixteen (16) years of age may apply for an instruction permit to operate a motor vehicle. A person who possesses a valid motor vehicle operators' license or a person who is at least eighteen (18) years of age may apply for an instruction permit to operate a motorcycle. A holder of either a motor vehicle or motorcycle instruction permit may also operate a moped under that permit. A person applying for an instruction permit under this section shall make application in the office of the circuit clerk in the county where the person lives. A person applying for an instruction permit shall be required to comply with the following:
 - (a) If the person is under the age of eighteen (18), the instruction permit application shall be signed by the applicant's parent or legal guardian. If the person does not have a living parent or does not have a legal guardian, the instruction permit application shall be signed by a person willing to assume responsibility for the applicant pursuant to KRS 186.590; and
 - (b) All applicants for an instruction permit shall comply with the examinations required by KRS 186.480.
- (2) If an applicant successfully passes the examinations required by KRS 186.480, the applicant shall be issued an instruction permit upon payment of a six dollar (\$6) fee pursuant to KRS 186.531.
- (3) An instruction permit shall be valid for three (3) years~~one (1) year~~ and may be renewed. A person who has attained the age of sixteen (16) years and is under the age of eighteen (18) years at the time of application for an instruction permit shall have the instruction permit a minimum of one hundred eighty (180) days before applying for an intermediate license and shall have an intermediate license for a minimum of one hundred eighty (180) days before applying for an operator's license. A person who is at least eighteen (18) years of age and is under the age of twenty-one (21) years at the time of application for an instruction permit shall have the instruction permit a minimum of one hundred eighty (180) days before applying for an operator's license. A person who is at least twenty-one (21) years of age at the time of application for an instruction permit shall have the instruction permit a minimum of thirty (30) days before applying for an operator's license.
- (4) A person shall have the instruction permit in his possession at all times when operating a motor vehicle, motorcycle, or moped upon the highway. When operating a motor vehicle, a motor vehicle instruction permit holder shall be accompanied by a person with a valid operator's license who is at least twenty-one (21) years of age occupying the seat beside the operator at all times.
- (5) A person with an instruction permit who is under the age of eighteen (18) shall not operate a motor vehicle, motorcycle, or moped between the hours of 12 midnight and 6 a.m. unless the person can demonstrate good cause for driving including, but not limited to, emergencies, involvement in school related activities, or involvement in work related activities.
- (6) Except when accompanied by a driver training instructor affiliated with a driver training school licensed under KRS Chapter 332 or a public or non-public secondary school, a person with an instruction permit who is under the age of eighteen (18) years shall not operate a motor vehicle at any time when accompanied by more than one (1) unrelated person who is under the age of twenty (20) years. A peace

officer shall not stop or seize a person nor issue a uniform citation for a violation of this subsection if the officer has no other cause to stop or seize the person other than a violation of this subsection. This subsection shall not apply to any operator of a vehicle registered under the provisions of KRS 186.050(4) who is engaged in agricultural activities.

(7) A violation under subsection (4), (5), or (6) of this section, a conviction for a moving violation under KRS Chapter 189 for which points are assessed by the cabinet, or a conviction for a violation of KRS 189A.010(1) shall add an additional minimum of one hundred eighty (180) days from the date of the violation before a person who is under the age of eighteen (18) years may apply for an intermediate license to operate a motor vehicle, motorcycle, or moped.

~~(8)(6)~~ A person under the age of eighteen (18) who accumulates more than six (6) points against his driving privilege may have the driving privilege suspended pursuant to KRS Chapter 186 or probated by the court.

~~(9)(7)~~ An applicant for relicensing after revocation shall pay the clerk a fee of twenty-five dollars (\$25). The twenty-five dollar (\$25) fee shall not apply to any person whose license was suspended for failure to meet the conditions described in KRS 186.411 when, within one (1) year of suspension, the driving privileges of such individuals are reinstated and persons reinstated pursuant to KRS 159.051.

A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

KRS 189.126

All law enforcement agencies in this state shall be prohibited from erecting roadblocks for the sole purpose of checking for violations of KRS 189.125.

KRS 189.030 – Time When Lights Must Be On - IS AMENDED TO READ AS FOLLOWS:

(1) Headlamps~~[Lights]~~, when required on a vehicle, shall be illuminated:

(a) During the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, ~~and~~

(b) At such other times as atmospheric conditions render visibility as low as or lower than is ordinarily the case during that period.

(2) Provisions as to distances that lights must be visible refer to visibility under ordinary atmospheric conditions.

~~[(2) Cities may by ordinance designate certain well lighted streets or parts of the streets as being sufficiently illuminated during certain periods as to make lights unnecessary. In this case subsection (1) shall not apply to vehicles parked in those streets during such periods.]~~

KRS 189.050 – Rear, side and clearance lights - IS AMENDED TO READ AS FOLLOWS:

(1) ~~[Except as provided in any regulations adopted pursuant to KRS 189.287,] All **motor** vehicles shall display at the rear two (2)~~one (1)~~ red lights~~light~~ visible when lighted for at least five hundred (500) feet, unless the motor vehicle was originally equipped with only one (1) such light. ~~A red reflector meeting the requirements may be used in lieu of a red light.]~~~~

~~(2) Every motor bus used for the transportation of persons for hire shall be equipped with at least one (1) red light with the word "STOP" on it which can be seen for one hundred and fifty (150) feet when illuminated. This subsection shall not apply to school buses or church buses.~~

~~(3)~~ ~~A~~~~No~~ person shall not operate any motor truck or semitrailer truck on any highway unless it is equipped with ~~a~~ yellow or red light that automatically indicates the application of brakes and is visible from the rear a distance of not less than five~~two~~ hundred (500)~~(200)~~ feet.

~~(3)(4)~~ No person shall operate on any highway a motor truck or semitrailer truck having a width of any part in excess of eighty-four (84) inches, unless it carries at least two (2) clearance lights to indicate the outside left limit of the motor truck or semitrailer truck, one (1) light colored white ~~or green~~, to be attached to and be visible from the front of the motor truck or semitrailer truck, and two (2) lights~~one (1) light~~ colored red, to be attached to and be visible from the rear, in each case a distance of not less than five hundred (500) feet.

~~(4)(5)~~ When in operation on any highway slow-moving or motorless vehicles, except bicycles, shall have at least one

(1) ~~light lamp~~ on the left side of the vehicle whether from the front or rear, showing white and of sufficient power to reveal clearly the outline of the left side of the vehicle and in such a manner that the outline may be observed clearly by approaching vehicles from a distance of at least ~~five (one) hundred (500) (100)~~ feet.

Section 1. KRS 189.055 is amended to read as follows:

~~A (No)~~ person shall not operate any vehicle required by law to be licensed upon a highway unless it is equipped with a mechanical signal device which would indicate an intention to stop or suddenly decrease speed by illuminating at least two (2) red lights, on the rear of the vehicle, which are visible from the rear a distance of not less than five hundred (500) feet, unless the vehicle was originally manufactured with only one (1) such red light on the rear of the vehicle.

(6) When in operation between sunset and sunrise on any highway, motorless vehicles, except bicycles, shall have in operation a four (4) way flasher system, with two (2) flashing yellow or amber lights visible from the front of the vehicle and two (2) flashing red lights visible from the rear of the vehicle.

KRS 189.060 – Lights on vehicles in tow and projections - IS AMENDED TO READ AS FOLLOWS:

- (1) Each vehicle towed by a towline shall display the lights required on vehicles of the class to which it belongs.
- (2) Each vehicle being hauled by another and connected to it in a manner that will keep them uniformly spaced shall carry at least one (1) light on the left side in such a manner as to show a green light to the front and a red light to the rear visible at least five hundred (500) feet away.
- (3) When any part of a load projects more than five (5) feet beyond a vehicle a red flag by day and a red light during the period provided in KRS 189.030 must be placed upon the extremity of the projection.
- (4) Any motor vehicle used as a towing unit where two (2) lamps displaying red lights are not obscured by the towed unit or its load may be equipped with two (2) lamps displaying red lights on the towed unit, the towing unit or both.

KRS 189.060 - Lights on vehicles in tow and projections - IS AMENDED TO READ AS FOLLOWS:

- (1) Each vehicle towed by a towline shall display the lights required on vehicles of the class to which it belongs.
- (2) Each vehicle being hauled by another and connected to it in a manner that will keep them uniformly spaced shall carry at least one (1) light on the left side in such a manner as to show ~~an amber (a green)~~ light to the front and a red light to the rear visible at least ~~one thousand (1,000) five hundred (500)~~ feet away.
- (3) When any part of a load projects more than ~~four (4) five (5)~~ feet beyond a vehicle ~~two (2) red flags (a red flag)~~ by day and ~~two (2) red lights (a red light)~~ during the period provided in KRS 189.030 must be placed upon the extremity of the projection marking the width of the overhang.

Section 2. KRS 189.070 is amended to read as follows:

- (1) ~~A (No)~~ person shall not operate any commercial motor vehicle upon a highway outside of a business or residence district at any time from a half (1/2)-hour before sunset to a half (1/2)-hour before sunrise unless that vehicle carries the number and type of flares, electric lanterns or other signals which the Department of Vehicle Regulation shall by regulation require.
- (2) Whenever any commercial motor ~~vehicle (truck)~~ and its lighting equipment are disabled during a period when lighted lamps must be illuminated on vehicles and the ~~vehicle (truck)~~ cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district, the person in charge of the vehicle shall cause to be placed upon the highway such flares, lanterns and other signals as the Department of Vehicle Regulation shall by regulation require, and such flares, lanterns or other signals shall be utilized as required by the ~~placed at such distances and in such positions as required by such~~ regulations.

KRS 189.080 – Horns and other sound devices - IS AMENDED TO READ AS FOLLOWS:

~~[Except as provided in any regulations adopted pursuant to KRS 189.287,]~~ Every motor vehicle ~~[and bicycle]~~, when in use on a highway, shall be equipped with a horn or other device capable of making an abrupt sound sufficiently loud to be heard from a distance of at least two hundred (200) feet under all ordinary traffic conditions. Every person operating an automobile or bicycle shall sound the horn or sound device whenever necessary as a warning of the

approach of such vehicle to pedestrians, or other vehicles, but shall not sound the horn or sound device unnecessarily. A bell may be used on a bicycle.

KRS 189.125 – Requirements of use of seat belts and child restraint systems - IS AMENDED TO READ AS FOLLOWS:

- (1) Except as otherwise provided in this section, "motor vehicle" as used in this section means every vehicle designed to carry ten (10) or fewer passengers and used for the transportation of persons, but the term does not include:
 - (a) Motorcycles;
 - (b) Motor driven cycles; or
 - (c) Farm trucks registered for agricultural use only and having a gross weight of one (1) ton or more.
- (2) ~~A~~~~No~~ person shall not sell any new ~~motor~~~~passenger~~ vehicle in this state nor shall any person make application for registering a new ~~motor~~~~passenger~~ vehicle in this state unless the front or forward seat or seats have adequate anchors or attachments secured to the floor and/or sides to the rear of the seat or seats to which seat belts may be secured.
- (3) Any driver of a motor vehicle, when transporting a child of forty (40) inches in height or less in a motor vehicle operated on the roadways, streets, and highways of this state, shall have the child properly secured in a child restraint system of a type meeting federal motor vehicle safety standards.
- (4) As used in this section, "child restraint system" means any device manufactured to transport children in a motor vehicle which conforms to all applicable federal motor vehicle safety standards.
- (5) Failure to wear a child passenger restraint shall not be considered as contributory negligence, nor shall such failure to wear said passenger restraint system be admissible as evidence in the trial of any civil action. Failure of any person to wear a seat belt shall not constitute negligence per se.
- (6) ~~A~~~~No~~ person shall not operate a motor vehicle manufactured after ~~1981~~~~1965~~ on the public roadways of this state unless the driver and all passengers are wearing a properly adjusted and fastened seat belt, unless the passenger is a child who is secured as required in subsection (3) of this section. The provisions of this subsection shall not apply to:
 - (a) A person who has in his possession at the time of the conduct in question a written statement from a physician or licensed chiropractor that he is unable, for medical or physical reasons, to wear a seat belt; or
 - (b) A letter carrier of the United States postal service while engaged in the performance of his duties.
- (7) A conviction for a violation of subsection (6) of this section shall not be transmitted by the court to the Transportation Cabinet. The Transportation Cabinet shall not include a conviction for a violation of subsection (6) of this section as part of any person's driving history record. ~~peace officer shall not stop or seize a person nor issue a uniform citation for a violation of subsection (6) of this section if the officer has no other cause to stop or seize the person other than a violation of subsection (6) of this section.~~
- (8) The provisions of ~~subsection~~~~(subsections)~~ (6) ~~and (7)~~ of this section shall supersede any existing local ordinance involving the use of seat belts. No ordinance contrary to ~~subsection~~~~(subsections)~~ (6) ~~and (7)~~ of this section may be enacted by any unit of local government.

KRS 189.287 – Bicycle safety regulations and standards - IS AMENDED TO READ AS FOLLOWS:

The Transportation Cabinet ~~shall~~~~may~~ promulgate administrative regulations pursuant to KRS Chapter 13A to set forth standards for bicycle equipment and the safe operation of a bicycle ~~safety regulations and standards~~. The regulations shall include requirements for lights, reflectors, and audible warning devices ~~Bicycle riders and bicycles complying with such regulations and standards are exempt from the provisions of KRS 189.040(9), 189.050(1), 189.050(5), and 189.080. [Such] Bicycles and riders which comply with the regulations promulgated under this section are also exempt from municipal and other local government regulations concerning safety equipment but not method of operation. In promulgating the administrative regulations and standards, the Transportation Cabinet shall permit use of lightweight modern technological substitutes for lights, reflectors, and bells. The purpose of this section is to encourage bicycling and bicycle touring in this state by enabling bicycle riders to make use of modern technology to make their presence known to other users of the road. The Transportation Cabinet may consult with organizations of bicycle riders to aid it in the search for bicycle safety equipment and rules convenient for long distance bicycle riders.~~

KRS 189.287 - Bicycle safety regulations and standards - IS AMENDED TO READ AS FOLLOWS:

The Transportation Cabinet may promulgate bicycle safety regulations and standards. Bicycle riders and bicycles complying with such regulations and standards are exempt from the provisions of KRS 189.040(9), 189.050(1), 189.050(5) and (6), and 189.080. Such bicycles and riders are also exempt from municipal and other local government regulations concerning safety equipment but not method of operation. In promulgating regulations and standards the Transportation Cabinet shall permit use of lightweight modern technological substitutes for lights, reflectors, and bells. The purpose of this section is to encourage bicycling and bicycle touring in this state by enabling bicycle riders to make use of modern technology to make their presence known to other users of the road. The Transportation Cabinet may consult with organizations of bicycle riders to aid it in the search for bicycle safety equipment and rules convenient for long distance bicycle riders.

KRS 189.300 – Vehicles to keep to right - IS AMENDED TO READ AS FOLLOWS:

(1) The operator of any vehicle when upon a highway shall travel upon the right side of the highway whenever possible, and unless the left side of the highway is clear of all other traffic or obstructions for a sufficient distance ahead to permit the overtaking and passing of another vehicle to be completed without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle being overtaken. The overtaking vehicle shall return to the proper traffic lane as soon as practicable and, if the passing vehicle enters the oncoming traffic lane, before coming within two hundred (200) feet of any approaching vehicle ~~and presents a clear vision for a distance of at least one hundred and fifty (150) feet ahead.~~

KRS 189.330 –Turning and right-of-way at intersections - IS AMENDED TO READ AS FOLLOWS:

* * * * *

- (11) On highways with a center lane restricted for left turns off the highway by vehicles proceeding in both directions:
- (a) A left turn shall not be made from any other lane; and
- (b) A vehicle shall not be driven in a center lane as described in this subsection except when preparing for or making a left turn off the highway or merging onto the highway after making a left turn from a side road or other entrance.

KRS 189.337 – Traffic control signs, uniform standards to be prescribed - IS AMENDED TO READ AS FOLLOWS:

* * * * *

- (4) No person shall place, maintain, or display on or in the view of any highway any authorized sign, signal, marking, or device which resembles, purports to be, or is an imitation of an official traffic control device or signal.
- (5) A person shall not attempt to or in fact alter, twist, deface, injure, knock down, or interfere with the effective operation of any official traffic control device or signal, or any part thereof.

KRS 189.338 – Limitation of colored lights used in traffic control signals ... - IS AMENDED TO READ AS FOLLOWS:

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend or symbolic message, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

- (d) Vehicular traffic that entered an intersection on a circular green or yellow indication is allowed to complete a left turn during the red indication.
3. In instances where there are two (2) right or left turn lanes, an allowable turn under this paragraph may be made from either lane unless a regulatory sign specifically prohibits it.

KRS 189.340 – Overtaking vehicles - IS AMENDED TO READ AS FOLLOWS:

- (4) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within ~~two (one)~~ hundred (200) feet ~~(100')~~ of any vehicle approaching from the opposite direction.

KRS 189.375 – Church or school bus signaling device - IS AMENDED TO READ AS FOLLOWS:

No school or church bus shall be licensed or operated for the transportation of school children unless it is equipped with bus alternating flashing signal lamps and a stop arm folding sign. The bus body shall be equipped with a system of four (4) red signal lamps, two (2) on the front and two (2) on the rear of the bus, and four (4) amber signal lamps. Each amber signal lamp shall be located near each red signal lamp, at the same level, but closer to the vertical centerline of the bus. The bus body shall be equipped with a stop arm folding sign on the driver's side with letters at least six (6) inches in height displaying the word "stop" on both sides. Prior to stopping the school bus for the purpose of receiving or discharging school children, the driver shall activate the amber flashing signal lamps. Once the bus comes to a complete stop, the driver shall extend the stop arm and activate the red flashing signal lights prior to opening the door so it shall be plainly visible to traffic approaching from both directions that the bus is in the process of receiving or discharging passengers. No driver shall stop a school or church bus for receiving or discharging passengers in a no passing zone which does not afford reasonable visibility to approaching motor vehicles from both directions unless a "School Bus Stop Ahead" sign has been installed a reasonable distance before that spot in the roadway. No driver shall stop a school or church bus for the purpose of receiving passengers from or discharging passengers to the opposite side of the road on a highway of four (4) or more lanes; provided, that this provision does not prohibit the discharging of passengers at a marked pedestrian crossing.

KRS 189.450 – Stopping, standing, or repairing vehicle on roadway ... - IS AMENDED TO READ AS FOLLOWS:

- (5) No person shall stop or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in the following places:
- (a) On a sidewalk;
 - (b) In front of sidewalk ramps provided for persons with disabilities;
 - (c) In front of a public or private driveway;
 - (d) Within an intersection or on a crosswalk;
 - (e) At any place where official signs prohibit stopping or parking; ~~or~~
 - (f) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
 - (g) On any controlled access highway;
 - (h) Within a highway tunnel;
 - (i) Within fifteen (15) feet of a fire hydrant; or
 - (j) In an area between the roadways of a divided highway.

KRS 189.480 – Towed vehicles - IS AMENDED TO READ AS FOLLOWS:

No vehicle shall haul with a towline more than one (1) other vehicle. The towline shall not be over fifteen (15) feet in length, and a white cloth or flag shall be fastened to the towline at or near the center of the line, during both day and night so as to make it plainly discernible. No vehicle shall at one (1) time haul more than two (2) vehicles connected in such a manner as to keep them uniformly spaced. Any vehicle being towed under the provisions of this chapter shall have the brake lights required under KRS 189.050.

KRS 189.515 – Restrictions on operation of all-terrain vehicles - IS AMENDED TO READ AS FOLLOWS:

- (1) Except for vehicles authorized to operate on a public highway as of July 15, 1998, and except as provided in subsection (6) of this section, a person shall not operate an all-terrain vehicle upon any public highway or roadway or upon the right-of-way of any public highway or roadway.
- (2) A person shall not operate an all-terrain vehicle on private property without the consent of the landowner, tenant, or individual responsible for the property.
- (3) A person shall not operate an all-terrain vehicle on public property unless the governmental agency responsible for the property has approved the use of all-terrain vehicles.
- (4) Except for vehicles authorized to operate on a public highway, a person sixteen (16) years of age or older operating an all-terrain vehicle on public property shall wear approved protective headgear, in the manner prescribed by the secretary of the Transportation Cabinet, at all times that the vehicle is in motion. The approved headgear requirement shall not apply when the operator of any all-terrain vehicle is engaged in:
 - (a) Farm or agriculture related activities;
 - (b) Mining or mining exploration activities;
 - (c) Logging activities;
 - (d) Any other business, commercial, or industrial activity; or
 - (e) Use of that vehicle on private property.
- (5) (a) A person under the age of sixteen (16) years shall not operate an all-terrain vehicle with an engine size exceeding ninety (90) cubic centimeters displacement, and a person under the age of sixteen (16) years shall not operate an all-terrain vehicle except under direct parental supervision.
 (b) A person under the age of twelve (12) years shall not operate an all-terrain vehicle with an engine size exceeding seventy (70) cubic centimeters displacement.
(c) A person under the age of sixteen (16) years, when operating or riding as a passenger on an all-terrain vehicle, shall wear approved protective headgear, in the manner prescribed by the secretary of the Transportation Cabinet, at all times that the vehicle is in motion.

KRS 189.565 – Operator of motor vehicle used in transporting inflammable liquids or explosives ... - IS AMENDED TO READ AS FOLLOWS:

The operator of any motor vehicle used in the transportation of inflammable liquids or explosives shall stop such motor vehicle before crossing at grade the main track of any railroad or interurban electric railway, except where the crossing is a guarded crossing protected by gates or a flag controlled crossing or operated by an employee of the railroad or interurban company. The stop shall be made no closer than a marked stop line or fifteen (15) feet, ~~at not less than ten feet (10)~~ nor more than thirty (30) feet, ~~(30)~~ from the nearest track to be crossed. After making the stop, the operator shall look carefully in each direction for approaching cars or trains, and shall not start his vehicle until he has ascertained that no cars or trains are approaching in either direction.

KRS 189.580 – Duty in case of accident - IS AMENDED TO READ AS FOLLOWS:

(1) (a) The operator of any vehicle, whose vehicle, vehicle load, or vehicle equipment which is involved in an accident resulting in injury to or death of any person or resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop and ascertain the extent of the injury or damage and render reasonable assistance, including the carrying, or making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person. The operator or person having or assuming authority of the operator, or ownership of the vehicle, shall give the occupant of the vehicle, or person struck, if requested, the registration number of the vehicle, if any, and also the names and addresses of the owner, the occupants and operator. The total names need not exceed five (5) in number.

(b) If an accident that occurs on an interstate highway or parkway or any on-ramp or off-ramp thereto does not involve death, known or visible injury, or the transportation of hazardous material, the operator shall move the vehicle off the roadway to a place as close to the accident scene as practicable without obstructing traffic as soon as the vehicle can be moved without the risk of further injury or damage. The operator or person having or assuming authority of the operator, or ownership of the vehicle, shall give any other person involved in the accident, if requested, the registration number of the vehicle, if any, and also the names and addresses of the owner, the occupants, and the operator of his or her vehicle, and insurance information for the vehicle.

- (2) The operator of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop as close to the accident scene as possible without obstructing traffic and shall then and there either locate and notify the operator or owner of such vehicle or other property of his name, address, and the registration number of the vehicle he is driving or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving his name, address, and the registration number of the vehicle he is driving, or shall file a report with the local police department.
- (3) If the operator of a vehicle is unable to move a vehicle off the roadway under the provisions of subsections (1) and (2) of this section, the operator or owner may permit any person who possesses a valid operator's license or proper class of commercial driver's license to move the vehicle as provided in this section.
- (4) Except as provided for in subsection (5) of this section, a peace officer or safety officer may remove or cause to be removed from the roadway of an interstate highway or parkway or any on-ramp or off-ramp thereto, without consent of the owner or operator, any vehicle, cargo, or other property which is obstructing the roadway, creating or aggravating an emergency situation, or otherwise endangering public safety. Any vehicle, cargo, or other property obstructing the roadway of an interstate highway or parkway shall be removed by the most expeditious means available to clear the obstruction, giving due regard to the protection of the property removed.
- (5) (a) In accidents that involve fatalities or known or visible injuries, the removal provisions of subsection (4) of this section shall apply only after all medical assistance, fire supervision, and site investigation have been completed.
(b) The removal provisions of subsection (4) of this section shall not apply if an accident involves, or is believed to involve, a release of hazardous materials.
- (6) (a) The operator of a vehicle involved in an accident on a highway in this state which results in a fatality or a known or visible injury to a person or damage to a vehicle which renders the vehicle inoperable shall immediately notify a public safety answering point, law enforcement agency, or law enforcement officer having jurisdiction if the operator is physically capable of doing so and has in his or her possession a functioning communications device with which to do so.
(b) In the event an operator fails to notify or is incapable of notifying a public safety answering point, law enforcement agency, or law enforcement officer having jurisdiction, the responsibility for reporting the accident within a reasonable amount of time shall rest with the owner of the vehicle or any occupant of the vehicle at the time of the accident if the owner or occupant is physically capable of doing so, has in his or her possession a functioning communications device with which to do so, and, in the case of the owner, knows of the motor vehicle accident. A law enforcement officer having jurisdiction shall investigate the accident and file a written report of the accident with the officer's agency.
- (7) The operator of a vehicle involved in an accident on a highway in this state ~~in subsection (1) or (2) above~~ resulting in injury to or death of any person or in which total property damage of five hundred dollars (\$500) or more is sustained, and in which an investigation is not conducted by a law enforcement officer, shall file a written report of the accident with the Department of State Police ~~within ten (10) days of the occurrence of the accident upon forms provided by the department,~~ report the matter in writing to the Justice Cabinet.
- (8) Any agency, including the Commonwealth, that removes property from the roadway may intervene in any civil action arising from the accident to recover any costs expended. An owner of real property shall not be liable for the costs of removal under this section of trees, fences, structures, or other debris which fall into the roadway as a result of fire, severe weather, or other casualty.

KRS 189.752 – Definitions for KRS 189.753 (Abandoned vehicles) - IS AMENDED TO READ AS FOLLOWS:

- (1) "State highway" means any public road maintained by the State Department of Highways.
- (2) "Motor vehicle" means any vehicle propelled by an internal combustion engine capable of transporting persons or property. Motor vehicle shall not mean "moped" as defined in KRS 189.285.
- (3) "Abandoned vehicle" means any motor vehicle ~~automobile~~ that is left upon the right-of-way of a state highway for three (3) days, whether or not it is fit for future use.

- (4) "Owner" means the last registered owner.

KRS 189.910 -- Definitions (Emergency Vehicles) - IS AMENDED TO READ AS FOLLOWS:

- (1) As used in KRS 189.920 to 189.950, "emergency vehicle" means any vehicle used for emergency purposes by a fire department; any vehicle used for emergency purposes by the State Police, a public police department, Department of Corrections, or sheriff's office; any vehicle used for emergency purposes by a rescue squad; any publicly owned vehicle used for emergency purposes by an emergency management agency; any vehicle used to respond to emergencies or to transport a patient with a critical medical condition if the vehicle is operated by a Cabinet for Health Services-licensed ambulance provider or medical first-response provider; any vehicle commandeered by a police officer; or any motor vehicle with the emergency lights required under KRS 189.920 used by a paid or volunteer fireman or paid or volunteer ambulance personnel or a paid or volunteer local emergency management director while responding to an emergency or to a location where an emergency vehicle is on emergency call.

KRS 189.920 – Flashing lights (Emergency Vehicles) - is amended to read as follows:

* * * * *

- (9) A personal vehicle used by a paid or volunteer firefighter, ambulance personnel or emergency services director who is responding to an emergency shall display the lights required in subsection (1) of this section.

KRS 189.990 – Penalties - IS AMENDED TO READ AS FOLLOWS:

- (25) Any person who violates the provisions of KRS 189.125(6) shall be fined an amount not to exceed twenty-five dollars (\$25). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs.

NOTE: KRS 431.452 Prepayment of fines subject to certain conditions, is modified to reflect this as well.

THE FOLLOWING KRS SECTIONS ARE REPEALED:

- 189.490 Trailer operation restricted.
189.630 City may require accident reports.

CRITICAL NOTE: *Between the effective date of this statute and January 1, 2007, all law enforcement agencies in this state shall be required to issue a courtesy warning rather than a citation to persons who violate subsection (6) of Section 9 of the Act (Mandatory seat belt violations). The courtesy warning shall not include a fine or any other penalty but shall inform the violator of the amount of the fine that will be assessed for a violation of this statute and the date the courtesy warnings will end. The courtesy warning shall also include educational materials on the benefits of complying with subsection (6) of Section 9 of this Act.*

KRS 189A.105 – Alcohol or substance abuse testing subject to refusal - IS

AMENDED TO READ AS FOLLOWS:

- (1) A person's refusal to submit to tests under KRS 189A.103 shall result in revocation of his driving privilege as provided in this chapter.
- (2) (a) At the time a breath, blood, or urine test is requested, the person shall be informed:
 1. That, if the person refuses to submit to such tests, the fact of this refusal may be used against him in court as evidence of violating KRS 189A.010 and will result in revocation of his driver's license, and if the person refuses to submit to the tests and is subsequently convicted of violating KRS 189A.010(1) then he will be subject to a mandatory minimum jail sentence which is twice as long as the mandatory minimum jail sentence imposed if he submits to the tests, and that if the person refuses to submit to the tests he will be unable to obtain a hardship license; and
 2. That, if a test is taken, the results of the test may be used against him in court as evidence of violating KRS 189A.010(1), and that if the results of the test are 0.18 or above and the person is subsequently convicted of violating KRS 189A.010(1), then he will be subject to a sentence that is twice as long as the mandatory minimum jail sentence imposed if the results are less than 0.18; and
 3. That if the person first submits to the requested alcohol and substance tests, the person has the right to have a test or tests of his blood performed by a person of his choosing described in KRS 189A.103 within a reasonable time of his arrest at the expense of the person arrested.
- (b) Nothing in this subsection shall be construed to prohibit a judge of a court of competent jurisdiction from issuing a search warrant or other court order requiring a blood or urine test, or a combination thereof, of a defendant charged with a violation of KRS 189A.010, or other statutory violation arising from the incident, when a person is killed or suffers physical injury, as defined in KRS 500.080, as a result of the incident in which the defendant has been charged. However, if the incident involves a motor vehicle accident in which there was a fatality, the investigating peace officer shall seek such a search warrant for blood, breath, or urine testing unless the testing has already been done by consent. If testing done pursuant to a warrant reveals the presence of alcohol or any other substance that impaired the driving ability of a person who is charged with and convicted of an offense arising from the accident, the sentencing court shall require, in addition to any other sentencing provision, that the defendant make restitution to the state for the cost of the testing.
- (3) During the period immediately preceding the administration of any test, the person shall be afforded an opportunity of at least ten (10) minutes but not more than fifteen (15) minutes to attempt to contact and communicate with an attorney and shall be informed of this right. Inability to communicate with an attorney during this period shall not be deemed to relieve the person of his obligation to submit to the tests and the penalties specified by KRS 189A.010 and 189A.107 shall remain applicable to the person upon refusal. Nothing in this section shall be deemed to create a right to have an attorney present during the administration of the tests, but the person's attorney may be present if the attorney can physically appear at the location where the test is to be administered within the time period established in this section.
- (4) Immediately following the administration of the final test requested by the officer, the person shall again be informed of his right to have a test or tests of his blood performed by a person of his choosing described in KRS 189A.103 within a reasonable time of his arrest at the expense of the person arrested. He shall then be asked "Do you want such a test?" The officer shall make reasonable efforts to provide transportation to the tests.

A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

KRS 211.755 Breastfeeding permitted in public areas

- (1) Notwithstanding any other provision of the law, a mother may breastfeed her baby or express breastmilk in any location, public or private, where the mother is otherwise authorized to be. Breastfeeding a child or expressing breastmilk as part of breastfeeding shall not be considered an act of public indecency and shall not be considered indecent exposure, sexual conduct, lewd touching, or obscenity.
- (2) A municipality may not enact an ordinance that prohibits or restricts a mother breastfeeding a child or expressing breastmilk in a public or private location where the mother and child are otherwise authorized to be. In a municipal ordinance, indecent exposure, sexual conduct, lewd touching, obscenity, and similar terms do not include the act of a mother breastfeeding a child in a public or private location where the mother and child are otherwise authorized to be.
- (3) No person shall interfere with a mother breastfeeding her child in any location, public or private, where the mother is otherwise authorized to be.

A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

KRS 237.104 **Governments shall not impair rights to weapons during time of emergency**

- (1) No person, unit of government, or governmental organization shall, during a period of disaster or emergency as specified in KRS Chapter 39A or at any other time, have the right to revoke, suspend, limit the use of, or otherwise impair the validity of the right of any person to purchase, transfer, loan, own, possess, carry, or use a firearm, firearm part, ammunition, ammunition component, or any deadly weapon or dangerous instrument.
- (2) No person, unit of government, or governmental organization shall, during a period of disaster or emergency as specified in KRS Chapter 39A or at any other time, take, seize, confiscate, or impound a firearm, firearm part, ammunition, ammunition component, or any deadly weapon or dangerous instrument from any person.
- (3) The provisions of this section shall not apply to the taking of an item specified in subsection (1) or (2) of this section from a person who is:
 - (a) Forbidden to possess a firearm pursuant to KRS 527.040;
 - (b) Forbidden to possess a firearm pursuant to federal law.
 - (c) Violating KRS 527.020;
 - (d) In possession of a stolen firearm;
 - (e) Using a firearm in the commission of a separate criminal offense; or
 - (f) Using a firearm or other weapon in the commission of an offense under KRS Chapter 150.

A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

KRS 237.106 **Employers not permitted to prohibit weapons on property, if kept in a vehicle on that property**

- (1) No person, including but not limited to an employer, who is the owner, lessee, or occupant of real property shall prohibit any person who is legally entitled to possess a firearm from possessing a firearm, part of a firearm, ammunition, or ammunition component in a vehicle on the property.
- (2) A person, including but not limited to an employer, who owns, leases, or otherwise occupies real property may prevent a person who is prohibited by state or federal law from possessing a firearm or ammunition from possessing a firearm or ammunition on the property.
- (3) A firearm may be removed from the vehicle or handled in the case of self-defense, defense of another, defense of property, or as authorized by the owner, lessee, or occupant of the property.
- (4) An employer that fires, disciplines, demotes, or otherwise punishes an employee who is lawfully exercising a right guaranteed by this section, and who is engaging in conduct in compliance with this statute shall be liable in civil damages. An employee may seek and the court shall grant an injunction against an employer who is violating the provisions of this section when it is found that the employee is in compliance with the provisions of this section.
- (5) The provisions of this section shall not apply to any real property:
 - (a) Owned, leased, or occupied by the United States government upon which the possession or carrying of firearms is prohibited or controlled;
 - (b) Of a detention facility as defined in KRS 520.010; or
 - (c) Where a section of the Kentucky Revised Statutes specifically prohibits possession or carrying of firearms on the property.

A NEW SECTION OF KRS CHAPTER 243 IS CREATED TO READ AS FOLLOWS:

KRS 243.115 **Open wine bottles may be removed from premises**

- (1) A restaurant licensed under KRS 243.030 may permit a patron of the restaurant to remove one (1) opened container of wine from the restaurant's premises for consumption off the premises if the patron has purchased and partially consumed the bottle of wine with a meal on the restaurant's premises.
- (2) A partially consumed bottle of wine that is removed from the premises shall be securely resealed by the restaurant licensee or its employee before the bottle is removed from the premises. The partially

consumed bottle of wine shall be placed in a bag or other container that is secured in a manner that makes it visibly apparent if the container has been subsequently opened or tampered with, and the licensee shall provide a dated receipt for the wine to the patron.

A NEW SECTION OF KRS CHAPTER 243 IS CREATED TO READ AS FOLLOWS:

KRS 243.117 Open wine bottles to be secured in trunk

If a patron removes a resealed bottle of wine from the premises of a restaurant as provided for in KRS 243.115 any resealed bottle of wine that is transported in a motor vehicle shall be placed in a locked glove compartment or the trunk or other area that is not a passenger area under KRS 189.530(5).

KRS 431.005 – Arrest by peace officer - IS AMENDED TO READ AS FOLLOWS:

- 1) A peace officer may make an arrest:
 - (a) In obedience to a warrant; or
 - (b) Without a warrant when a felony is committed in his presence; or
 - (c) Without a warrant when he has probable cause to believe that the person being arrested has committed a felony; or
 - (d) Without a warrant when a misdemeanor, as defined in KRS 431.060, has been committed in his presence; or
 - (e) Without a warrant when a violation of KRS 189.290, 189.393, 189.520, 189.580, 511.080, or 525.070 has been committed in his presence, except that a violation of KRS 189A.010 or KRS 281A.210 need not be committed in his presence in order to make an arrest without a warrant if the officer has probable cause to believe that the person has violated KRS 189A.010 or KRS 281A.210.
- (2)
 - (a) Any peace officer may arrest a person without warrant when the peace officer has probable cause to believe that the person has intentionally or wantonly caused physical injury to a family member or member of an unmarried couple.
 - (b) For the purposes of this subsection, the term "family member" means a spouse, including a former spouse, a parent, a grandparent, a child, a stepchild, or any other person related by consanguinity or affinity within the second degree.
 - (c) For the purpose of this subsection, the term "member of an unmarried couple" means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together.
- (3) A peace officer may arrest a person without warrant when the peace officer has probable cause to believe that the person is a sexual offender who has failed to comply with the Kentucky Sex Offender Registry requirements based upon information received from the Law Information Network of Kentucky.
- ~~(4) For purposes of subsections (2) and (3) of this section, a "peace officer" is an officer certified pursuant to KRS 15.380:~~
 - ~~(a) A full-time sworn officer of the Kentucky State Police, a full-time sworn officer of the Kentucky Horse Park, a commissioned full-time state park ranger, a full-time officer of the Division of Law Enforcement within the Department of Fish and Wildlife Resources who is exercising authority under KRS Chapter 235, a full-time city policeman, a full-time county policeman, a full-time university safety and security officer appointed pursuant to KRS 164.950 to 164.970, a full-time city county policeman, a duly elected sheriff, or a full-time paid deputy sheriff; or~~
 - ~~(b) A part-time paid law enforcement officer, or a special paid deputy, who has completed a Kentucky law enforcement council approved education and training program referred to in KRS 15.334.~~
 - ~~(c) The provisions of this section relating to training shall not apply to a deputy sheriff who is subject to the training requirements specified in KRS 70.263(3).~~
- ~~(5)(4)~~ If a law enforcement officer has probable cause to believe that a person has violated a condition of release imposed in accordance with KRS 431.064 and verifies that the alleged violator has notice of the conditions, the officer shall, without a warrant, arrest the alleged violator whether the violation was committed in or outside the presence of the officer.
- ~~(6)(5)~~ A private person may make an arrest when a felony has been committed in fact and he has probable cause to believe that the person being arrested has committed it.
- ~~(7)(6)~~ If a law enforcement officer has probable cause to believe that a person has violated a restraining order issued under KRS 508.155, then the officer shall, without a warrant, arrest the alleged violator whether the violation

was committed in or outside the presence of the officer.

KRS 503.010 – Definitions - IS AMENDED TO READ AS FOLLOWS:

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "Deadly physical force" means force which is used with the purpose of causing death or serious physical injury or which the defendant knows to create a substantial risk of causing death or serious physical injury.
- (2) "Dwelling" means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night~~any building or structure, though movable or temporary which is for the time being either totally or partially the defendant's home or place of lodging~~.
- (3) "Imminent" means impending danger, and, in the context of domestic violence and abuse as defined by KRS 403.720, belief that danger is imminent can be inferred from a past pattern of repeated serious abuse.
- (4) "Physical force" means force used upon or directed toward the body of another person and includes confinement.
- (5) "Residence" means a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest.
- (6) "Vehicle" means a conveyance of any kind, whether or not motorized, which is designed to transport people or property.

A NEW SECTION OF KRS CHAPTER 503 IS CREATED TO READ AS FOLLOWS:

KRS 503.055 Presumptions justifying use of deadly force

- (1) A person is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or herself or another when using defensive force that is intended or likely to cause death or great bodily harm to another if:
 - (a) The person against whom the defensive force was used was in the process of unlawfully and forcibly entering or had unlawfully and forcibly entered a dwelling, residence, or occupied vehicle, or if that person had removed or was attempting to remove another against that person's will from the dwelling, residence, or occupied vehicle; and
 - (b) The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.
- (2) The presumption set forth in subsection (1) does not apply if:
 - (a) The person against whom the defensive force is used has the right to be in or is a lawful resident of the dwelling, residence, or vehicle, such as an owner, lessee, or titleholder, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person; or
 - (b) The person sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used; or
 - (c) The person who uses defensive force is engaged in an unlawful activity or is using the dwelling, residence, or occupied vehicle to further an unlawful activity; or
 - (d) The person against whom the defensive force is used is a peace officer, as defined in KRS 446.010, who enters or attempts to enter a dwelling, residence, or vehicle in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person entering or attempting to enter was a peace officer.
- (3) A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a felony involving the use of force.
- (4) A person who unlawfully and by force enters or attempts to enter a person's dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

A NEW SECTION OF KRS CHAPTER 503 IS CREATED TO READ AS FOLLOWS:

KRS 503.085 Immunities

- (1) A person who uses force as permitted in KRS 503.050, KRS 503.055, 503.070, and 503.080 is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, unless the person against whom the force was used is a peace officer, as defined in KRS 446.010, who was acting in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law, or the person using force knew or reasonably should have known that the person was a peace officer. As used in this subsection, the term "criminal prosecution" includes arresting, detaining in custody, and charging or prosecuting the defendant.***
- (2) A law enforcement agency may use standard procedures for investigating the use of force as described in subsection (1) of this section, but the agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful.***
- (3) The court shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant is immune from prosecution as provided in subsection (1).***

KRS 503.050 – Use of physical force in self-protection - IS AMENDED TO READ AS FOLLOWS:

- (1)** The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is necessary to protect himself against the use or imminent use of unlawful physical force by the other person.
- (2)** The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when the defendant believes that such force is necessary to protect himself against death, serious physical injury, kidnapping, ~~or~~ sexual intercourse compelled by force or threat, **felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055.**
- (3)** Any evidence presented by the defendant to establish the existence of a prior act or acts of domestic violence and abuse as defined in KRS 403.720 by the person against whom the defendant is charged with employing physical force shall be admissible under this section.
- (4) A person does not have a duty to retreat prior to the use of deadly physical force.***

KRS 503.070 – Protection of another - is amended to read as follows:

- (1)** The use of physical force by a defendant upon another person is justifiable when:
 - (a)** The defendant believes that such force is necessary to protect a third person against the use or imminent use of unlawful physical force by the other person; and
 - (b)** Under the circumstances as the defendant believes them to be, the person whom he seeks to protect would himself have been justified under KRS 503.050 and 503.060 in using such protection.
- (2)** The use of deadly physical force by a defendant upon another person is justifiable when:
 - (a)** The defendant believes that such force is necessary to protect a third person against imminent death, serious physical injury, kidnapping, ~~or~~ sexual intercourse compelled by force or threat, **or other felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055; and**
 - (b)** Under the circumstances as they actually exist, the person whom he seeks to protect would himself have been justified under KRS 503.050 and 503.060 in using such protection.
- (3) A person does not have a duty to retreat if the person is in a place where he or she has a right to be.***

KRS 503.080 – Protection of property - IS AMENDED TO READ AS FOLLOWS:

- (1)** The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is immediately necessary to prevent:

- (a) The commission of criminal trespass, robbery, ~~or~~ burglary, or other felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055, in a dwelling, building or upon real property in his possession or in the possession of another person for whose protection he acts; or
- (b) Theft, criminal mischief, or any trespassory taking of tangible, movable property in his possession or in the possession of another person for whose protection he acts.
- (2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when the defendant believes that the person against whom such force is used is:
 - (a) Attempting to dispossess him of his dwelling otherwise than under a claim of right to its possession; or
 - (b) Committing or attempting to commit a burglary, robbery, or other felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055, of such dwelling; or
 - (c) Committing or attempting to commit arson of a dwelling or other building in his possession.
- (3) A person does not have a duty to retreat if the person is in a place where he or she has a right to be.

KRS 510.020 – Lack of consent - IS AMENDED TO READ AS FOLLOWS:

- (1) Whether or not specifically stated, it is an element of every offense defined in this chapter that the sexual act was committed without consent of the victim.
- (2) Lack of consent results from:
 - (a) Forcible compulsion;
 - (b) Incapacity to consent; or
 - (c) If the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct.
- (3) A person is deemed incapable of consent when he or she is:
 - (a) Less than sixteen (16) years old;
 - (b) Mentally retarded or suffers from a mental illness;
 - (c) Mentally incapacitated; ~~or~~
 - (d) Physically helpless; or
 - (e) Under the care or custody of a state or local agency pursuant to court order and the actor is employed by or working on behalf of the state or local agency.
- (4) The provisions of paragraph (e) of subsection (3) of this section shall not apply to persons who are lawfully married to each other and no court order is in effect prohibiting contact between the parties.

KRS 510.060 – Rape in the third degree - IS AMENDED TO READ AS FOLLOWS:

- (1) A person is guilty of rape in the third degree when:
 - (a) He engages in sexual intercourse with another person who is incapable of consent because he or she is mentally retarded;
 - (b) Being twenty-one (21) years old or more, he or she engages in sexual intercourse with another person less than sixteen (16) years old; or
 - (c) Being twenty-one (21) years old or more, he or she engages in sexual intercourse with another person less than eighteen (18) years old and for whom he or she provides a foster family home as defined in KRS 600.020; or
 - (d) Being a person in a position of authority or position of special trust, as defined in KRS 532.045, he or she engages in sexual intercourse with a minor under sixteen (16) years old with whom he or she comes into contact as a result of that position.
- (1) Rape in the third degree is a Class D felony.

KRS 510.090 – Sodomy in the third degree - IS AMENDED TO READ AS FOLLOWS:

- (1) A person is guilty of sodomy in the third degree when:
 - (a) He engages in deviate sexual intercourse with another person who is incapable of consent

- because he or she is mentally retarded;
- (b) Being twenty-one (21) years old or more, he or she engages in deviate sexual intercourse with another person less than sixteen (16) years old; or
 - (c) Being twenty-one (21) years old or more, he or she engages in deviate sexual intercourse with another person less than eighteen (18) years old and for whom he or she provides a foster family home as defined in KRS 600.020; or
 - (d) Being a person in a position of authority or position of special trust, as defined in KRS 532.045, he or she engages in deviate sexual intercourse with a minor less than sixteen (16) years old with whom he or she comes into contact as a result of that position.¹
- (2) Sodomy in the third degree is a Class D felony.

KRS 510.110 – Sexual abuse in the first degree - IS AMENDED TO READ AS FOLLOWS:

- (1) A person is guilty of sexual abuse in the first degree when:
 - (a) He or she subjects another person to sexual contact by forcible compulsion; or
 - (b) He or she subjects another person to sexual contact who is incapable of consent because he or she:
 - 1. Is physically helpless;
 - 2. Is less than twelve (12) years old; or
 - 3. Is mentally incapacitated.
- (2) Sexual abuse in the first degree is a Class D felony, unless the victim is less than twelve (12) years old, in which case the offense shall be a Class C felony.

KRS 510.120 – Sexual abuse in the second degree - IS AMENDED TO READ AS FOLLOWS:

- (1) A person is guilty of sexual abuse in the second degree when:
 - (a) He or she subjects another person to sexual contact who is incapable of consent because he or she is mentally retarded;
 - (b) He or she subjects another person who is less than fourteen (14) years old to sexual contact;
 - (c) Being an employee, contractor, vendor, or volunteer of the Department of Corrections, or a detention facility as defined in KRS 520.010, or of an entity under contract with either the department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, he or she subjects an offender who is incarcerated, supervised, evaluated, or treated by the Department of Corrections, the detention facility, or the contracting entity, to sexual contact. In any prosecution under this paragraph, the defendant may prove in exculpation that, at the time he or she engaged in the conduct constituting the offense, he or she and the offender were married to each other; or
 - (d) Being twenty-one (21) years old or more, he or she subjects another person to sexual contact who is less than eighteen (18) years old and for whom he or she provides a foster family home as defined in KRS 600.020; or
 - (e) Being a person in a position of authority or position of special trust, as defined in KRS 532.045, he subjects a minor who is under sixteen (16) years old, with whom he or she comes into contact as a result of that position, to sexual contact.
- (2) Sexual abuse in the second degree is a Class A misdemeanor.

KRS 510.155 – Unlawful use of electronic means to induce a minor to engage

¹ KRS 432.045

"Position of authority" means, but is not limited to, the position occupied by a biological parent, adoptive parent, stepparent, foster parent, relative, household member, adult youth leader, recreational staff, or volunteer who is an adult, adult athletic manager, adult coach, teacher, classified school employee, certified school employee, counselor, staff, or volunteer for either a residential treatment facility, a holding facility as defined in [KRS 600.020](#), or a detention facility as defined in [KRS 520.010\(4\)](#), staff or volunteer with a youth services organization, religious leader, health care provider, or employer.

"Position of special trust" means a position occupied by a person in a position of authority who by reason of that position is able to exercise undue influence over the minor.

in sexual or other prohibited activities - IS AMENDED TO READ AS FOLLOWS:

- (1) It shall be unlawful for any person to knowingly use a communications system, including computers, computer networks, computer bulletin boards, cellular telephones, or any other electronic means, for the purpose of procuring or promoting the use of a minor, or a peace officer posing as a minor if the person believes that the peace officer is a minor or is wanton or reckless in that belief, for any activity in violation of KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 529.030, ~~or 530.064 (1)(a)~~, or Chapter 531.
- (2) No person shall be convicted of this offense and an offense specified in KRS 506.010, 506.030, 506.040, or 506.080 for a single course of conduct intended to consummate in the commission of the same offense with the same minor or peace officer.
- (3) A violation of this section is punishable as a Class D felony.

A NEW SECTION OF KRS CHAPTER 519 IS CREATED TO READ AS FOLLOWS:

KRS 519.070 Tampering with a prisoner monitoring device prohibited

- (1) A person is guilty of tampering with a prisoner monitoring device when he or she intentionally alters, disables, deactivates, tampers with, removes, damages, or destroys any device used to facilitate electronic monitoring or supervision of a person who is on probation or parole, or has been ordered to wear a device as a condition of pretrial release.
- (2) Tampering with a prisoner monitoring device is a Class D felony.

NOTE: The following changes to KRS 525 are currently under court challenge as potentially in violation of the Constitution.

A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO READ AS FOLLOWS:

KRS 525.055 Disorderly conduct in the first degree

- (1) A person is guilty of disorderly conduct in the first degree when he or she:
 - (a) In a public place and with intent to cause public inconvenience, annoyance, or alarm, or wantonly creating a risk thereof:
 1. Engages in fighting or in violent, tumultuous, or threatening behavior;
 2. Makes unreasonable noise; or
 3. Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose; and
 - (b) Acts in a way described in paragraph (a) of this subsection within three hundred (300) feet of a:
 1. Cemetery during a funeral or burial;
 2. Funeral home during the viewing of a deceased person;
 3. Funeral procession; or
 4. Funeral or memorial service; and
 - (c) Knows that he or she is within three hundred (300) feet of an occasion described in paragraph (b) of this subsection.
- (2) Disorderly conduct in the first degree is a Class A misdemeanor.

A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO READ AS FOLLOWS:

KRS 525.145 Disrupting meetings and processions in the first degree

- (1) A person is guilty of disrupting meetings and processions in the first degree when, with intent to prevent or disrupt a funeral or burial, funeral home viewing of a deceased person, funeral procession, or funeral or memorial service for a deceased person, he or she does any act tending to obstruct or interfere with it physically or makes any utterance, gesture, or display designed to outrage the sensibilities of the group attending the occasion.
- (2) Disrupting meetings and processions in the first degree is a Class A misdemeanor.

A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO READ AS FOLLOWS:

KRS 525.155 Interference with a funeral

- (1) A person is guilty of interference with a funeral when he or she at any time on any day:
- (a) Blocks, impedes, inhibits, or in any other manner obstructs or interferes with access into or from any building or parking lot of a building in which a funeral, wake, memorial service, or burial is being conducted, or any burial plot or the parking lot of the cemetery in which a funeral, wake, memorial service, or burial is being conducted;
 - (b) Congregates, pickets, patrols, demonstrates, or enters on that portion of a public right-of-way or private property that is within three hundred (300) feet of an event specified in paragraph (a) of this subsection; or
 - (c) Without authorization from the family of the deceased or person conducting the service, during a funeral, wake, memorial service, or burial:
 - 1. Sings, chants, whistles, shouts, yells, or uses a bullhorn, auto horn, sound amplification equipment, or other sounds or images observable to or within earshot of participants in the funeral, wake, memorial service, or burial; or
 - 2. Distributes literature or any other item.
- (2) Interference with a funeral is a Class B misdemeanor.

KRS 525.060 - Disorderly conduct (now second degree) - IS AMENDED TO READ AS FOLLOWS:

- (1) A person is guilty of disorderly conduct in the second degree when in a public place and with intent to cause public inconvenience, annoyance, or alarm, or wantonly creating a risk thereof, he:
- (a) Engages in fighting or in violent, tumultuous, or threatening behavior; ~~or~~
 - (b) Makes unreasonable noise; ~~or~~
 - (c) Refuses to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency; or
 - (d) Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose.
- (2) Disorderly conduct in the second degree is a Class B misdemeanor.

KRS 525.150 – Disrupting meetings and processions (now second degree) IS AMENDED TO READ AS FOLLOWS:

- (1) A person is guilty of disrupting meetings and processions in the second degree when, with intent to prevent or disrupt a lawful meeting, procession, or gathering, he or she does any act tending to obstruct or interfere with it physically or makes any utterance, gesture, or display designed to outrage the sensibilities of the group.
- (2) Disrupting meetings and processions in the second degree is a Class B misdemeanor.

KRS 530.020 – Incest - IS AMENDED TO READ AS FOLLOWS:

- (1) A person is guilty of incest when he or she has sexual intercourse or deviate sexual intercourse, as defined in KRS 510.010, with a person whom he or she knows to be an ancestor, descendant, brother, or sister. The relationships referred to herein include blood relationships of either the whole or half blood without regard to legitimacy, relationship of parent and child by adoption, and relationship of stepparent and stepchild.
- (2) (a) Incest is a Class C felony if the act is committed by consenting adults.
- (b) Incest is a Class B felony if committed:
- 1. By forcible compulsion as defined in KRS 510.010(2); or
 - 2. On a victim who is:
 - a. Less than eighteen (18) years of age;
- b. Incapable of consent because he or she is physically helpless or mentally incapacitated.
- (c) Incest is a Class A felony if:
- 1. Committed on a victim less than twelve (12) years of age; or
 - 2. The victim receives serious physical injury.

KRS 530.064 – Unlawful transaction with a minor in the first degree - IS

AMENDED TO READ AS FOLLOWS:

(1) A person is guilty of unlawful transaction with a minor in the first degree when he or she knowingly induces, assists, or causes a minor to engage in:

(a) Illegal sexual activity; ~~or~~

(b) ~~in~~ Illegal controlled substances activity other than activity involving marijuana; ~~or~~

Except those offenses involving minors in KRS Chapter 531 and KRS 529.030.

(2) Unlawful transaction with a minor in the first degree is a:

(a) Class C felony if the minor so used is less than eighteen (18) years old at the time the minor engages in the prohibited activity;

(b) Class B felony if the minor so used is less than sixteen (16) years old at the time the minor engages in the prohibited activity; and

(c) Class A felony if the minor so used incurs physical injury thereby.

KRS 531.335 – Possession of matter portraying a sexual performance by a minor - IS AMENDED TO READ AS FOLLOWS:

(1) A person is guilty of possession of matter portraying a sexual performance by a minor when, having knowledge of its content, character, and that the sexual performance is by a minor, he or she knowingly has in his or her possession or control any matter which visually depicts an actual sexual performance by a minor person.

(2) Possession of matter portraying a sexual performance by a minor is a ~~Class A misdemeanor for the first offense and a Class D felony for the second and subsequent offenses~~.

KRS 531.340 – Distribution of matter portraying a sexual performance by a minor - IS AMENDED TO READ AS FOLLOWS:

(1) A person is guilty of distribution of matter portraying a sexual performance by a minor when, having knowledge of its content and character, he or she:

(a) Sends or causes to be sent into this state for sale or distribution; or

(b) Brings or causes to be brought into this state for sale or distribution; or

(c) In this state, he or she:

1. Exhibits for profit or gain; or

2. Distributes; or

3. Offers to distribute; or

4. Has in his or her possession with intent to distribute, exhibit for profit or gain or offer to distribute, any matter portraying a sexual performance by a minor.

(2) Any person who has in his or her possession more than one (1) unit of material coming within the provision of KRS 531.300(2) shall be rebuttably presumed to have such material in his or her possession with the intent to distribute it.

(3) Distribution of matter portraying a sexual performance by a minor is a Class D felony for the first offense and a Class C felony for each subsequent offense.

KRS 531.360 – Advertising material portraying a sexual performance by a minor - IS AMENDED TO READ AS FOLLOWS:

(1) A person is guilty of advertising material portraying a sexual performance by a minor when, having knowledge of its content and character thereof, he or she writes or creates advertising or solicits anyone to publish such advertising or otherwise promotes the sale or distribution of matter portraying a sexual performance by a minor.

(2) Advertising material portraying a sexual performance by a minor is a Class D felony for the first offense and a Class C felony for each subsequent offense ~~(A misdemeanor)~~.

KRS 610.320 – Juvenile record and juvenile docket - IS AMENDED TO READ AS FOLLOWS:

(1) A special record book shall be kept by the court for all cases, to be known as the "juvenile record," and the docket or calendar of such cases shall be called the "juvenile docket."

- (2) No probation officer, nor employee of a probation officer, shall, without the consent of the District Judge sitting in juvenile session, divulge or communicate to any persons other than the court, law enforcement, the Department of Juvenile Justice, an officer of the court interested in the case, a member of the advisory board of the court, or a representative of the cabinet, any information obtained pursuant to the discharge of his duties, nor shall any record of the action of the probation officer be made public except by leave of the District Judge; provided, that nothing in this subsection shall prohibit the probation officer from divulging or communicating such information to the court, to his colleagues or superiors in his own department, or to another probation officer having a direct interest in the record or social history of the child.
- (3) All law enforcement and court records regarding children who have not reached their eighteenth birthday shall not be opened to scrutiny by the public, except that a separate public record shall be kept by the clerk of the court which shall be accessible to the public for court records, limited to the petition, order of the adjudication, and disposition in juvenile delinquency proceedings concerning a child who is fourteen (14) years of age or older at the time of the commission of the offense, and who is adjudicated a juvenile delinquent for the commission of an offense that would constitute a capital offense or a Class A, B, or C felony if the juvenile were an adult, or any offense involving a deadly weapon, or an offense wherein a deadly weapon is used or displayed.

KRS 610.340 – Confidentiality of juvenile court records - IS AMENDED TO READ AS FOLLOWS:

- (1)
 - (a) Unless a specific provision of KRS Chapters 600 to 645 specifies otherwise, all juvenile court records of any nature generated pursuant to KRS Chapters 600 to 645 by any agency or instrumentality, public or private, shall be deemed to be confidential and shall not be disclosed except to the child, parent, victims, or other persons authorized to attend a juvenile court hearing pursuant to KRS 610.070 unless ordered by the court for good cause.
 - (b) Juvenile court records which contain information pertaining to arrests, petitions, adjudications, and dispositions of a child may be disclosed to victims or other persons authorized to attend a juvenile court hearing pursuant to KRS 610.070.
 - (c) Release of the child's treatment, medical, mental, or psychological records is prohibited unless presented as evidence in Circuit Court. Any records resulting from the child's prior abuse and neglect under Title IV-E or Title IV-B of the Federal Social Security Act shall not be disclosed to victims or other persons authorized to attend a juvenile court hearing pursuant to KRS 610.070.
 - (d) Victim access under this subsection to juvenile court records shall include access to records of adjudications that occurred prior to July 15, 1998.
- (2) The provisions of this section shall not apply to public officers or employees engaged in the investigation of and in the prosecution of cases under KRS Chapters 600 to 645 or other portions of the Kentucky Revised Statutes. Any record obtained pursuant to this subsection shall be used for official use only, shall not be disclosed publicly, and shall be exempt from disclosure under the Open Records Act, KRS 61.870 to 61.884.
- (3) The provisions of this section shall not apply to any peace officer, as defined in KRS 446.010(24), who is engaged in the investigation or prosecution of cases under KRS Chapters 600 to 645 or other portions of the Kentucky Revised Statutes. Any record obtained pursuant to this subsection shall be used for official use only, shall not be disclosed publicly, and shall be exempt from disclosure under the Open Records Act, KRS 61.870 to 61.884.